

AMENDED IN SENATE JUNE 25, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 22, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2954

Introduced by Assembly Member Simitian
(~~Coauthor: Assembly Member Alquist~~)
(Coauthors: Assembly Members Alquist and Diaz)

February 25, 2002

An act to add Section 65302.4 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2954, as amended, Simitian. Land use.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would require, upon the adoption or ~~revision~~ *amendment* of a city or county's general plan, on or after January 1, ~~2003–2004~~, the land use ~~portion~~ *element* of the general plan to address the distribution of certain child care facilities. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California's burgeoning population and high cost of living
- 4 have made securing high quality, affordable child care a challenge
- 5 for working families and those making the transition from welfare
- 6 to work.
- 7 (b) High quality, accessible, and affordable child care is an
- 8 important element of California's infrastructure, is critical to our
- 9 children, families, businesses, and economy, and is an essential
- 10 service in every community.
- 11 (c) A "general plan" is a community's vision for its future and
- 12 is an appropriate place to examine important infrastructure
- 13 components, such as child care.
- 14 (d) Local land use policies can serve as barriers to the
- 15 development of licensed child care facilities.
- 16 (e) However, by planning for the distribution of child care
- 17 facilities in general plans, local communities can foster the
- 18 creation of high quality, accessible, and affordable child care that
- 19 is responsive to local needs and consistent with local development
- 20 priorities and policies.
- 21 (f) Child care facilities, carefully distributed within a
- 22 community, can complement other general plan goals, such as trip
- 23 reduction and economic development.



(g) Local child care planning councils, child care planning coordinators, and child care resource and referral agencies exist in all 58 California counties, conduct needs assessments and strategic planning for child care, and can serve as a valuable resource to local land use planners who are looking to make a place for child care in the community.

(h) It is the intent of the Legislature in enacting this act to foster the development of more high quality, affordable, and accessible licensed child care facilities because this development will assist California's working families, businesses, and the economy.

SEC. 2. Section 65302.4 is added to the Government Code, to read:

65302.4. Upon the adoption, or ~~revision~~, *amendment*, of a city or county's general plan, on or after January 1, 2003, ~~the land use portion~~ *2004, the land use element* of the general plan shall address the distribution of child care facilities, except family day care homes as defined in Section 1596.78 of the Health and Safety Code.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

